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10/613,715	07/03/2003	Robert McCracken	8594560/41960	4999

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THE FINANCIAL CENTER  
666 WALNUT STREET  
SUITE 2500  
DES MOINES, IA 50309-3993

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,715

Applicant(s)

MCCRACKEN ET AL.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the form (component 16) as described in the specification on page 4. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to. Regarding claim 1, the language of the claim is inconsistent. Claim 1 is drawn to a reduced friction coupling. However, the claim then recites limitations of a shoring post, which sets forth a positive relation between the coupling and the post appearing to be a combination. Applicant should note that the claim is being considered as drawn to the sub combination reduced friction coupling. If it is indicated by amendment that the combination is the intention, the language thought must be made consistent.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has merely claimed desired results of the invention with no specific structure to attain these results.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,581,420 to Mollet III et al.

Regarding claim 1, Mollet III discloses a reduced friction coupling comprised of two annular rings (fig. 7: 28 & 29) made of a polymeric material (column 3, line 46).

Regarding claim 2, Mollet III discloses the polymeric washers as being nylon (column 3, line 46).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,581,420 to Mollet III et al.

Regarding claim 3, Mollet III does not specifically disclose the polymeric material as being able to sustain a load of up to 10,000 psi. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design washers capable of supporting the intended load of the system, thus the load capacity of the washers would range between various load capacities to meet the needs of the system in order to support the system.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,982,364 to Horvath in view of U.S. Patent No. 3,581,420 to Mollet III et al.

Regarding claims 4 and 8, Horvath discloses a shoring apparatus for supporting a load, the apparatus having a supporting member (fig. 9: 108), a supported member (fig. 9: 111) received about the upper end of the supporting member, and a nut (fig. 9: 109) threaded on a portion of the supporting member. However, Horvath discloses only one coupling washer (fig. 9: 110) between the nut and supported member, not two coupling polymeric washers. Mollet III discloses the use of two polymeric washers (fig.

7: 28 & 29; column 3, line 46) for a support. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horvath by using two polymeric washers, as disclosed by Mollet III, in order to decrease the weight of the system and to reduce costs.

Regarding claim 5, Horvath in view of Mollet III does not specifically disclose the supported member, the supporting member and the nut as being comprised of different materials. However, Horvath discloses the use of different material such as metal components (column 1, line 40) and nylon components (column 6, lines 32-33) for cold weather. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Horvath in view of Mollet III by using different materials such as aluminum, steel or nylon in combinations for these members in order to reduce weights, increase insulation in cold climates (Horvath column 6, lines 28-33) and prevent corrosion.

Regarding claim 6, Mollet III discloses the polymeric washers as being nylon (column 3, line 46).

Regarding claim 7, Horvath does not specifically disclose the nut as being able to sustain a load of up to 10,000 psi. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design a nut capable of supporting the intended load of the system, thus the load capacity of the nut would range between various load capacities to meet the needs of the system in order to support the system.

***Allowable Subject Matter***

Claim 9 is drawn to allowable subject matter. However, final determination of allowability for the claims will be made after all 35 U.S.C. 112 rejections have been corrected.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to adjustable support members in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK

5/24/04

  
Basil Katcheves

Examiner AU 3635